THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Transfer Application No. 21 of 2006

Smt. Kanta W/O Sri Hans Raj Sachdeva, R/O Purvavarti Ganeshpur, Station Road, Roorkee, District Haridwar.

..... **Petitioner.**

Versus

1. Municipal Board Roorkee, through its Executive Officer, District Haridwar.
2. Executive Officer, Municiple Borad, Roorkee, District Haridwar.
3. Indian Oil Corporation Ltd., Registered Office G-9 Ali Award, Jung Marg Bandra, Mumbai East, through its Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Dehradun.
4. Civil Judge (S.D.) Roorkee, District Haridwar.

..... **Respondents.**

Sri Sharad Sharma, Ad., learned counsel for the applicant.
Sri A.K. Sharma, Adv., learned counsel for the respondent no.1 & 2.
Sri Vipul Sharma, Adv., learned counsel for respondent no. 3.

Dated: December 16, 2006

PC:(Hon'ble B.S. Verma, J.)

Heard learned counsel for both the parties.

The petitioner has prayed for transfer of Suit No. 51 of 2003, Smt. Kanta Sachdeva Vs. Municipal Board and others, pending in the court of Civil Judge (Senior Division) Haridwar to the court of Civil Judge (Senior Division) Roorkee, District Haridwar.

Earlier, a Writ Petition No. 1283 of 2005 had been filed before this Court, which was disposed of on 29-10-2005 with a direction that the District Judge shall transfer the paper book of the appeal to the High Court and the appeal was decided by this Court vide order dated 25.4.2006 and the Civil Judge (Senior Division) Roorkee was directed to decide the suit No. 51 of 2003 within six months. Since the court of Civil Judge concerned was vacant at Roorkee, therefore, under the orders of the District Judge Haridwar passed under Section 24 of the C.P.C., the suit was transferred to the

court of Civil Judge (Senior Division) Roorkee vide order dated 6-7-2006. It is stated that again the petitioner filed a writ petition before the High Court and ultimately the High Court vide order dated 21.7.2006 directed that the suit be transferred to the court of Civil Judge (Senior Division) Haridwar as the court at Roorkee was vacant.

Now both the parties are ready that the civil Suit No. 51 of 2003 be transferred to Roorkee Court of Civil Judge (Senior Division) from the court of Civil Judge (Senior Division) Haridwar. By the consent of both the parties, the Civil Suit No. 51 of 2003, Smt. Kanta Sachdeva Vs. Municipal Board and others, is transferred from the court of Civil Judge (Senior Division) Haridwar to the Court of Civil Judge (Senior Division) Roorkee, for disposal according to law and per directions issued earlier. It may be reiterated that this Court while deciding A.O. No. 216 of 2006 vide order dated 25-4-2006 had directed that the suit between the parties be decided preferably within a period of six months.

The writ petition is accordingly allowed. No order as to costs.

(B.S. Verma, J.)

RCP